

Additional Information about Informal Hearings

Excerpts from OHA's Section 8 Administrative Plan '03-'04

12.0 Terminations

12.1 TERMINATION OF ASSISTANCE TO FAMILY

The Housing Authority may at any time terminate program assistance for a participant, because of any of the actions or inaction by the household:

- A. If the family violates any family obligations under the program.
- B. If a family member fails to sign and submit consent forms.
- C. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Oakland Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.
- D. If any member of the family has ever been evicted from public housing.
- E. If the Housing Authority has ever terminated assistance under the Certificate or Voucher Program for any member of the family.
- F. If any member of the family commits drug-related criminal activity, or violent criminal activity.
- G. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

- H. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- I. If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- J. If the family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)
- K. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- L. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.
- N. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Oakland Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

12.3 INFORMAL HEARINGS

- A. When a Hearing is Required
 - 1. The Oakland Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Oakland Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Oakland Housing Authority policies:
 - a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
 - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Oakland Housing Authority utility allowance schedule.

- c. A determination of the family unit size under the Oakland Housing Authority's subsidy standards.
 - d. A determination that a Voucher Program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Oakland Housing Authority's subsidy standards, or the Oakland Housing Authority determination to deny the family's request for an exception from the standards.
 - e. A determination to terminate assistance for a participant family because of the family's action or failure to act.
 - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Oakland Housing Authority policy and HUD rules.
2. In cases described in paragraphs 12.3(A)(1)(d), (e), and (f), of this Section, the Oakland Housing Authority will give the opportunity for an informal hearing before the Oakland Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

B. When a Hearing is not Required

The Oakland Housing Authority will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. Discretionary administrative determinations by the Oakland Housing Authority.
2. General policy issues or class grievances.
3. Establishment of the Oakland Housing Authority's schedule of utility allowances for families in the program.
4. An Oakland Housing Authority determination not to approve an extension or suspension of a voucher term.
5. An Oakland Housing Authority determination not to approve a unit or tenancy.

6. An Oakland Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Oakland Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
7. An Oakland Housing Authority determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the Oakland Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP contract.